

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARIO MUNIZ,

Plaintiff,

vs.

Civ. No. 21-1153 JHR/KK

PANDA EXPRESS, INC.,

Defendant.

**ORDER STRIKING AND SEALING MOTIONS TO VACATE
AND SETTING DEADLINE**

THIS MATTER is before me on Plaintiff's Motion to Vacate Settlement Conference (Doc. 28) and Amended Motion to Vacate Settlement Conference (Doc. 29) (collectively, "Motions"), filed June 7, 2022.

In my Order Setting Rule 16 Settlement Conference (Doc. 13) ("Order"), I scheduled a settlement conference in this matter and ordered that "[t]hose attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants *in preparation for* and during the conference." (*Id.* at 2 (emphasis added).) Nevertheless, Plaintiff attached to his Motions his May 27, 2022 demand letter to Defendant, and Defendant's June 6, 2022 counteroffer letter to Plaintiff, both of which were submitted pursuant to the Order and describe or set forth information discussed, positions taken, and offers made by Defendant "in preparation for ... the conference." (*Id.*; Docs. 28-1, 29-1.) As such, Plaintiff was prohibited from disclosing the letters to the presiding judge or the public and violated the Order by filing them on the docket in this matter.

IT IS THEREFORE ORDERED as follows:

1. Plaintiff's Motion to Vacate Settlement Conference (Doc. 28) and Amended Motion to Vacate Settlement Conference (Doc. 29) are hereby STRICKEN;

2. The Clerk is directed to seal the stricken Motions from access by the chambers of the presiding judge and members of the public; and,

3. If Plaintiff still wishes to seek the relief he requested in the Motions, he shall file a renewed motion to vacate the settlement conference **no later than Wednesday, June 8, 2022**, that complies with the Order Setting Rule 16 Settlement Conference (Doc. 13) in all particulars and does not disclose any documents or information the Order requires him to keep confidential, including but not limited to the demand and counteroffer letters he previously attached to his Motions.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kirtan Khalsa". The signature is fluid and cursive, with the first name "Kirtan" and last name "Khalsa" clearly distinguishable.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE